

**COMBINED DECLARATION FOR UTILITY PATENT APPLICATION  
AND POWER OF ATTORNEY**

**As a below named inventor, I hereby declare that:**

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am a joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Promoter Variants For Expressing Genes In A Fungal Cell

(Title of the Invention)

the specification of which was filed on November 18, 2003 as United States Application Number To be assigned.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by an amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date
60/427,314	November 18, 2002

Direct all correspondence to Customer Number: 25907.

I hereby appoint the practitioners at the above mentioned customer number as my/our attorney(s) or agent (s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR	
Given Name (first and middle [if any])	Debbie
Family Name or Surname	Yaver
Inventor's Signature	
Date	
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Citizenship	United States
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NAME OF SECOND INVENTOR	
Given Name (first and middle [if any])	Peter
Family Name or Surname	Nham
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Date	
Residence: City, State, Country	Sacramento, CA, US
Citizenship	United States
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yaver et.al.

Confirmation No: To be assigned

Serial No.: To be assigned

Group Art Unit: To be assigned

Filed: November 18, 2003

Examiner: To be assigned

For: Promoter Variants For Expressing Genes In A Fungal Cell

STATEMENT UNDER 37 C.F.R. 1.808

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

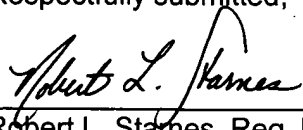
The above-captioned application refers to the deposit of biological material which has been made at the Agricultural Research Service Patent Culture Collection, Northern Regional Research Center (NRRL) under the Budapest Treaty and assigned accession number **B-30067**.

All restrictions on the availability to the public of the deposited material will be irrevocably removed upon the granting of the U.S. patent.

The deposit will be maintained for (a) thirty years, (b) at least five years after the most recent request for the furnishing of a sample of the deposit is received by the depository, or (c) the enforceable life of the U.S. patent granted from this application, whichever is longest. If the deposited material becomes inviable during the above term, the deposited material will be replaced.

Respectfully submitted,

Date: November 18, 2003



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